

Bankstahl, H.

U.S. Serial No. 09/404,233

REMARKS

Claims 32-54 are pending in the present application. In the Office Action of October 17, 2002, the Examiner rejected claims 32-54 under 35 U.S.C. §102(e) as being anticipated by Rao.


Responsive thereto, Applicant encloses herewith a Declaration Under 37 CFR 1.131 together with appropriate supporting documents setting forth the conception and reduction to practice of the invention called for in claims 32-54 prior to the effective filing date of the Rao reference. As such, Applicant believes that Rao is disqualified as prior art and the rejections based thereon should be withdrawn. Accordingly, Applicant requests withdrawal of the Examiner's rejection.

Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 32-54.

It should be noted that Applicant has enclosed a copy of a field test report evidencing the reduction to practice of this invention. Neither the applicability nor the scope of the claimed invention is limited to the test conditions under which the field test was conducted.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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